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18   UNITED STATES DISTRICT COURT

19   DISTRICT OF NEVADA

20 ORACLE USA, INC., a Colorado corporation;   CASE NO. 2:10-cv-0106-LRH-PAL
    ORACLE AMERICA, INC., a Delaware
21 corporation; and ORACLE INTERNATIONAL   **DECLARATION OF KIERAN P.**
    CORPORATION, a California corporation,   **RINGGENBERG IN SUPPORT OF**
22   **PLAINTIFFS ORACLE'S OPPOSITION**
                Plaintiffs,   **TO DEFENDANTS RIMINI STREET**
23   v.   **INC.'S AND SETH RAVIN'S MOTION**
                                                 TO PRECLUDE CERTAIN DAMAGES
24 RIMINI STREET, INC., a Nevada corporation;   **EVIDENCE PURSUANT TO FEDERAL**
    SETH RAVIN, an individual,   **RULES OF CIVIL PROCEDURE 26(E)**
25   **AND 37(C), OR, IN THE**
                Defendants.   **ALTERNATIVE, TO CONSOLIDATE**
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1   I, Kieran P. Ringgenberg, declare as follows:

2   1.   I am an attorney admitted to practice law in the State of California and before the

3   Court in this action *pro hac vice*. I am a partner with Boies, Schiller & Flexner LLP, counsel to

4   plaintiffs in this action. This declaration is made in support of Plaintiffs Oracle USA, Inc.,

5   Oracle America, Inc., and Oracle International Corporation's (collectively "Oracle") Opposition

6   to Defendants Rimini Street Inc.'s and Seth Ravin's Motion to Preclude Certain Damages

7   Evidence Pursuant to Federal Rules of Civil Procedure 26(e) and 37(c), or, in the Alternative, to

8   Consolidate. Based on my involvement in the discovery process and my review of the files and

9   records in this action, I have firsthand knowledge of the contents of this declaration and could

10   testify thereto.

11   2.   On September 28, 2011, Defendant Rimini Street Inc. ("Rimini") served its

12   Objections and Response to Plaintiff Oracle USA, Inc., America, Inc., and Oracle International

13   Corporation's Seventh Set of Interrogatories, which included as Exhibit A a list identifying

14   what the Response described as "each former and current Rimini customer along with that

15   customer's supported product line, start date, end date (if applicable), active-inactive status, and

16   alternative names used (if applicable)."

17   3.   Between February 2014 and October 2014, Rimini made five productions to

18   Oracle. Since the close of fact discovery and a handful of supplements in the few weeks

19   thereafter, Rimini has made no other document productions, offered no 30(b)(6) depositions or

20   other deposition dates, and provided no verified interrogatory responses.

21   4.   Rimini's 2014 productions did not include a complete customer list; no customer

22   list produced by Rimini in 2014 (or at any time) identified customers with start dates between

23   September 2011 and December 2011. Rimini's 2014 productions also did not include updated

24   versions of information of the sort on which Oracle's damages expert, Elizabeth Dean, relied in

25   preparing her expert report, including: (1) a full set of Rimini Street's audited financial

26   statements; (2) communications with investors and/or potential investors; (3) third-party

27   valuations; (4) planning documents and projections of customer revenues and profits; and (5)

28   documents from relevant document custodians, including communications with customers.

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1   Rimini's 2014 productions also did not include copies of derivative works that Rimini created

2   from Oracle's software since the close of fact discovery.

3   5.   On September 16, 2014, Nitin Jindal of Morgan, Lewis & Bockius LLP, counsel

4   for Oracle, wrote to Robert Reckers of Shook, Hardy & Bacon, LLP, counsel for Rimini,

5   requesting that Rimini provide a complete and updated customer list, among other things. A true

6   and correct copy of that September 16, 2014 letter is attached as **Exhibit A**.

7   I declare that the foregoing is true under penalty of perjury of the laws of the United

8   States.

9   Executed this 16th day of June, 2015, at Oakland, California.

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11   */s/ Kieran Ringgenberg*
                                Kieran Ringgenberg
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DECLARATION OF K. RINGGENBERG IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION TO PRECLUDE DAMAGES EVIDENCE

1 **CERTIFICATE OF SERVICE**

2   I hereby certify that on the 16th day of June, 2015, I electronically transmitted the

3 foregoing **DECLARATION OF KIERAN P. RINGGENBERG IN SUPPORT OF**

4 **PLAINTIFFS ORACLE'S OPPOSITION TO DEFENDANTS RIMINI STREET INC.'S**

5 **AND SETH RAVIN'S MOTION TO PRECLUDE CERTAIN DAMAGES EVIDENCE**

6 **PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 26(E) AND 37(C), OR, IN**

7 **THE ALTERNATIVE, TO CONSOLIDATE** to the Clerk's Office using the CM/ECF System

8 for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel

9 being registered to receive Electronic Filing.

10

11   /s/ Catherine Duong
                                     An employee of Boies, Schiller & Flexner LLP
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